



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/574,155

03/27/2006

Takao Koyama

NNA-243-B

7757

48980

7590

11/17/2008

YOUNG & BASILE, P.C.

3001 WEST BIG BEAVER ROAD

SUITE 624

TROY, MI 48084

EXAMINER

PANG, ROGER L

ART UNIT

PAPER NUMBER

3655

NOTIFICATION DATE

DELIVERY MODE

11/17/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@youngbasile.com

audit@youngbasile.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/574,155	<b>Applicant(s)</b> KOYAMA ET AL.	
	<b>Examiner</b> Roger L. Pang	<b>Art Unit</b> 3655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 10-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4-26-06 &amp; 5-17-06</u> .                                   | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 3655

### **DETAILED ACTION**

The following action is in response to the election filed for application 10/574,155 on September 25, 2008.

#### ***Election/Restrictions***

Claims 10-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on September 25, 2008.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claim 5, on the last line the limitation of the "high/reverse" clutch lacks antecedent basis. It is believed that the limitation should be --the high/forward clutch--.

With regard to claim 6, on line 5, the same problem occurs as in claim 5.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohta '841. With regard to claim 1, Ohta teaches an automatic transmission comprising: a planetary gear unit 20 coupled to a transmission mechanism 6, wherein a drive train pathway of the automatic transmission includes the transmission mechanism and the planetary gear unit; and a plurality of engagement elements 51/52/54/55 that engage to couple planetary gear elements of the planetary gear unit, wherein the plurality of engagement elements are selectively engaged to provide each of a set of selectable gears, wherein the set of selectable gears includes: a low-speed forward gear (d), a high-speed forward gear (f), and a reverse gear (j). With regard to claim 2, Ohta teaches the transmission, wherein the transmission mechanism is a continuously variable transmission mechanism 6. With regard to claim 4, Ohta teaches the transmission, further comprising an input shaft 3a, wherein the planetary gear unit is a single pinion planetary gear unit including a sun gear 21, a pinion carrier 27, and a ring gear 25 as rotatory elements, wherein the sun gear is coupled to the input shaft. With regard to claim 5, Ohta teaches the transmission, further comprising: a transmission casing 11 ; and an output shaft (Fig. 3), wherein the plurality of engagement elements includes a reverse brake 55, a forward clutch 51, a low brake 52 and a high/forward clutch 52, wherein the pinion carrier 27 is selectively coupled to the transmission casing by engaging the reverse brake, and is selectively coupled to the output

Art Unit: 3655

shaft by engaging the forward clutch, wherein the ring gear 25 is selectively coupled to the transmission casing by engaging the low brake, and is selectively coupled to the output shaft by engaging the high/forward clutch. With regard to claim 6, Ohta teaches the transmission, wherein the low-speed forward gear is selected by engaging both the low brake and the forward clutch (d), wherein the high-speed forward gear is selected by engaging both the high/forward clutch and the forward clutch (f), and wherein the reverse gear is selected by engaging both the high/reverse clutch and the reverse brake (j).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta as applied to claim 1 above, and further in view of Hiraku '658 (from IDS). With regard to claim 3, Ohta teaches the transmission comprising an engagement element 54 of a set of engagement elements that couples interspaces between rotary elements of the planetary gear elements and the transmission casing 11, but lacks the teaching of the use of two dampers. Hiraku teaches a transmission using two dampers 27/28 within the driveline. It would have been obvious to one of ordinary skill in the art at the time of the invention modify Ohta to employ a first damper in the drive train pathway; and a second damper coupled to an engagement element of the set of engagement elements that couples interspaces between rotatory elements of the planetary gear

Art Unit: 3655

elements and the transmission casing in view of Hiraku in order to absorb the shocks of transmission changes and general vibrations.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta as applied to claim 5 above, and further in view of Armstrong '556. With regard to claim 7, Ohta teaches the transmission, but lacks the specific teaching wherein the single pinion planetary gear unit and the reverse brake are positioned on a first common axis, wherein the low brake, the high/reverse clutch, and the forward clutch are positioned on a second common axis adjacent to the first common axis. Armstrong teaches of a transmission, wherein the clutches and brakes can be moved to different axial and radial locations within the transmission housing while maintaining the exact same function (Figs. 2 and 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ohta to employ the single pinion planetary gear unit and the reverse brake are positioned on a first common axis, wherein the low brake, the high/reverse clutch, and the forward clutch are positioned on a second common axis adjacent to the first common axis in view of Armstrong in order to reduce lateral space of the transmission, and also since a particularly known technique was recognized as part of the ordinary capabilities of one skilled in the art. With regard to claim 8, Ohta in view of Armstrong teaches the transmission, wherein the second common axis is parallel to the first common axis (based on the manipulation of the clutch locations). With regard to claim 9, Ohta teaches the transmission, but lacks the teaching wherein the reverse brake includes a band-braking system. Armstrong teaches a transmission with both a multi-plate brake 128 and a band brake 82. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify

Art Unit: 3655

Ohta to employ a band brake in view of Armstrong in order to reduce the space for actuation of said brake.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Haka, Hibi, Itoh, Kashiwase and Murakami have been cited to show similar transmissions.

### **FACSIMILE TRANSMISSION**

Submission of your response by facsimile transmission is encouraged. The central facsimile number is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Art Unit: 3655

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on \_\_\_\_\_ (Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_  
\_\_\_\_\_

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L. Pang whose telephone number is 571-272-7096. The examiner can normally be reached on 5:30am to 4:00pm.



Art Unit: 3655

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Roger L Pang/  
Primary Examiner, Art Unit 3655

Roger L Pang  
Primary Examiner  
Art Unit 3655

November 7, 2008